-HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY-

Exhibit 4
FILED UNDER SEAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SPECTRUM DYNAMICS MEDICAL LIMITED, Plaintiff, v. GENERAL ELECTRIC COMPANY, GE HEALTHCARE, INC., GE MEDICAL SYSTEMS ISRAEL LTD., JEAN-PAUL BOUHNIK, SERGIO STEINFELD, ARIE ESCHO, NATHAN HERMONY, and YARON HEFETZ, Defendants.	Case No.: 18-cv-11386 (VSB) **HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY**

DECLARATION OF GILAD YOELI IN SUPPORT OF PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION

I, Gilad Yoeli, declare as follows:

1. I am currently the Chief Executive Officer of Plaintiff Spectrum Dynamics Medical Limited ("Plaintiff" or "Spectrum") and have held this position since July 2019. My general responsibilities include management of the company, execution of Spectrum's strategic plan, and day to day management. I hold a Bachelor's Degree in Economics and am a certified CPA.

History of Spectrum

2. Spectrum's corporate history began in 1999-2000, with the formation of V-Target Technologies Ltd. In 2004, V-Target LLC acquired V-Target Technologies Ltd. including certain assets, such as trade secrets and other intellectual property rights. In 2005, V-Target LLC became Spectrum Dynamics LLC, and V-Target Technologies Ltd. became Spectrum Dynamics (Israel) Ltd. In 2013, Biosensors International Group Ltd. ("Biosensors") acquired all the assets of Spectrum Dynamics LLC and of related company, Spectrum Dynamics (USA) Inc. and at the same time M. Maozos Ltd. (an Israel base company wholly owned by Biosensors) acquired all the assets

of Spectrum Dynamics (Israel) Ltd. M. Maozos Ltd. performed research and development in the medical imaging field on behalf of Biosensors and manufacturing, supply, and assembly services for Biosensors' products. M. Maozos Ltd. later changed its name to Spectrum Dynamics Medical Ltd. ("SDMIL"). In November 2016, Biosensors formed Plaintiff Spectrum Dynamics Medical Limited. In January 2017, Spectrum acquired all assets from Biosensors, including trade secrets and other intellectual property rights related to the medical imaging field.

3. Spectrum is the successor in interest under the "AMENDED AND RESTATED MUTUAL CONFIDENTIALITY AND NON-USE AGREEMENT" ("2009 Agreement"). SDML_00032512-SDML_00032517 (Exhibit 8).

4. Over the years Spectrum grew and developed expertise in the field of nuclear medicine. In 2004, after a few years of initial research, Spectrum decided to focus on developing a *cardiac* system that would use digital detectors made of Cadmium Zinc Telluride ("CZT"). The use of CZT detectors enabled Spectrum to introduce a new and groundbreaking camera design, called D-SPECT®, that used many inventive technologies, such as [redacted] Spectrum's technology and innovation is a breakthrough in the way of nuclear imaging. It is the first time ever using [redacted] This represented a complete design change of all imaging system components and methods. D-SPECT®, which launched in 2007, was immediately recognized as a revolutionary product that changed nuclear cardiology. "*This is the first significant advancement in nuclear cardiology in 50 years*," said Daniel Berman MD, Director Nuclear Cardiology, Cedars Sinai Medical Center. SDML_00133333 at 00133334 (Exhibit 102); *see* SDML_00198743-55 (Exhibit 47).

5. When Spectrum launched D-SPECT®, three large companies—Siemens, General Electric

"GE", and Philips—dominated the SPECT market, specifically the cardiac dedicated SPECT market. These three companies together held about 90% of the market. At that time, they were selling cameras with analog technology that used sodium iodide detectors and photomultipliers mounted on two large, heavy flat panels. This analog technology was invented by Hal Anger in the 1960s and had many limitations, such as long scan time, poor image quality, and low energy resolution. For Spectrum, breaking into the SPECT market was a big challenge because it required persuading hospitals and clinics to buy from an unknown company and [redacted] However, Spectrum's technology was immediately adopted and endorsed by key opinion leaders. Still, buying our systems was a bet that required vision and courage by the customers. Following this initial adoption, it took Spectrum several years of gathering clinical evidence of the system's capabilities, improving the system's functions and reliability, and introducing novel applications (e.g., dual isotope imaging, low dose imaging, dynamic imaging, and others) to persuade the larger market that D-SPECT® was the best product.

6. In 2007, [redacted] Today, Spectrum has 120 employees worldwide.

Due Diligence Relationship Between Spectrum and GE

7. The relationship between Spectrum and GE dates back almost to the time the company was formed. Nathan Hermony (former general manager of the nuclear medicine division in GE) and Yoel Zilberstien (founder of Spectrum) were old friends from their mutual work in Elscint. Because of this relationship, GE, including Mr. Hermony, has been aware of Spectrum's technology developments since 2001 (when the companies started discussions and signed an NDA). Further discussions were held in 2004 and 2005 (under NDAs signed on June 13, 2004 and August 25, 2005, respectively) where the discussions centered on GE's potential acquisition of

Spectrum's D-SPECT® technology. These discussions did not mature, and GE decided to develop their own CZT *cardiac* SPECT camera (the Discovery NM 530c "GE530").

8. In 2008, the discussions resumed and on July 11, 2008, the companies signed another NDA. In 2009, the companies decided to sign a broader and stricter NDA, the 2009 Agreement. The aim of the 2009 Agreement was to allow GE to conduct a very thorough due diligence in light of a deal that the companies were negotiating—[redacted] While these discussions were ongoing, GE and Spectrum continued to compete in the *cardiac* SPECT market.

9. From execution of the 2009 Agreement up until approximately the last quarter of 2012, Spectrum and GE diligence personnel conducted numerous in-person meetings and engaged in on-going communications via email exchanges. One example illustrating the depth and extent of GE's due diligence, in or around June 2010, GE sent a team of approximately 20 diligence personnel comprising professionals of different GE business units (e.g., technology, research, human resources, and sales) to attend daily meetings with Spectrum for over one week. In my 25 years of professional career, I have participated in multiple due diligence processes, either on the buying or on the selling side. This due diligence was by far the most thorough process I have ever witnessed. We exposed our information (e.g., technical, financial, human resources, operational, and market analysis). We, in effect, gave GE the "keys to the kingdom."

10. During the 2010 meeting(s) and in related communications and meetings thereafter, Spectrum disclosed proprietary information including confidential details of the D-SPECT® system: (i) proprietary design and adaptive scan capabilities; (ii) new calibration methods and daily quality control procedures; (iii) market information and evidence of the D-SPECT® commercial

success; and (iv) other aspects of non-cardiac imaging with D-SPECT® and much more. The Spectrum Information disclosed additionally focused on Spectrum's ongoing design and development of the next generation multi-purpose D-SPECT® system, the GPC which would ultimately evolve into the VERITON® full body multi purpose scanner. [redacted] Over the course of the due diligence, we showed GE what we projected to achieve in terms of product performance and taught them how to get there, while confronting ongoing doubts from GE. The GE diligence personnel received presentations, conducted extensive in-depth due diligence interviews, inspected documents and materials in the "data room", ran simulations and prepared extensive questionnaires which were presented to Spectrum seeking additional Spectrum information and clarifications, to which Spectrum responded. As part of the due diligence, GE pursued several follow-up visits to Spectrum's facility in Caesarea, Israel including on January 24-26, 2012 and during June 2012. There were extensive follow-up communications after each of the in-person meetings.

11. It should be mentioned that by 2012 the due diligence process was so advanced and expectation of closing a deal was so imminent that the human resources team of GE met almost every employee of Spectrum. Thereby, Spectrum revealed all of Spectrum's secrets as it appeared that a deal was imminent, and they would soon become GE employees.

Spectrum Maintains Its Proprietary Information Confidential

12. Spectrum's core competence is its innovative spirit and ability to conceive, develop, and

bring to market new technologies in the nuclear medicine field. To preserve its technology edge over competitors, Spectrum safeguarded its inventions by maintaining the confidentiality of its proprietary information and obtaining patents. Spectrum has tens of patents and very numerous trade secrets and confidential information that enable it to be a technology leader.

13. Spectrum insisted over the years on signing non-disclosure agreements ("NDA") or confidentiality agreements with people and companies that were exposed to its technology. Also, each employee or consultant must sign a detailed and broad confidentiality agreement. In addition, any company that is exposed to our confidential information must sign an NDA before information is shared. As an example, Spectrum signed several NDA agreements with GE.

The 2009 Agreement

14. In 2009, when the discussions between GE and Spectrum were advancing, GE demanded that they perform a thorough due diligence with focus on Spectrum's technology and specifically the GPC technology that would become the VERITON®. [redacted] The VERITON® system is configured as a standalone system and also configured with a coupled CT system called VERITON-CT®. Again, the VERITON® design is unique and new and was never seen before. Since the companies were still competing head-to-head with their *cardiac* SPECT cameras and GE was considered Spectrum's most fierce competitor, we were concerned that the information shared in the due diligence could be used by GE for the wrong purpose if the deal fell through. As a result, Spectrum demanded and GE agreed to sign an additional NDA (2009 Agreement), which was much more comprehensive and included much broader coverage for Spectrum Information. The 2009 Agreement was designed to enable Spectrum to safely disclose information to GE, and Spectrum believed that GE

would abide by the language and the spirit of the agreement and would not use the information except for the purpose of the due diligence.

GE's Technology

15. Around 2008 or 2009, GE introduced the GE530 and the Discovery NM/CT 570c *cardiac* dedicated nuclear medicine devices. The Discovery NM/CT 570c failed in the market and only a few systems were sold, but the GE530 continued to compete directly with Spectrum's D-SPECT®.

16. While both the D-SPECT® and GE530 use the same CZT detectors, they differ significantly: (1) the GE530 uses stationary pinhole collimators as opposed to the wide bore parallel hole collimators used by D-SPECT®; (2) the GE530 detectors are fixed and cannot swivel, like D-SPECT®; (3) the GE530 can only scan patients in supine or prone positions while the D-SPECT® can scan patients in more comfortable positions, i.e., upright, semi upright and supine; (4) the GE530 cannot image obese patients, whereas D-SPECT® can image patients of any size; (5) positioning patients on the GE530 is more difficult and patients must remain positioned for a longer period of time; and (6) the GE530 initially suffered technical issues because it used a water-cooling system to cool the CZT detectors, whereas the D-SPECT® used air cooling system.

17. In 2010, GE bought the CZT manufacturing plant from Orbotech Medical Systems, thereby placing a bet on CZT as the future detector technology in SPECT imaging. At that time, Orbotech was the only supplier of CZT detectors in the market. GE then ceased supply of CZT detectors to Spectrum and as a result Spectrum was forced to go and develop a new CZT detector and create an alternative supplier. This represented a huge investment in time and money.

18. In late 2016 or early 2017, GE introduced its "new" CZT full-body scanner, the Discovery NM/CT 670 CZT ("670 CZT"), which was based on GE's "old platform design," i.e., CZT detectors configured into a conventional flat detector gantry design used in the GE Anger cameras.

The 670 CZT did not use swiveling CZT detectors, but instead used two flat panels populated with stationary CZT detectors, a very inefficient design. The 670 CZT was publicly presented in 2016 (https://www.youtube.com/watch?v=8tbmF2ylT2E). The 670 CZT has undergone some engineering improvements and is now marketed as Discovery NM/CT 870 CZT ("870 CZT").

Spectrum's D-SPECT®

19. D-SPECT® is recognized to be superior to the GE530. For example, in 2008 GE chose one of the top ranked hospitals in the world as one of their Beta sites for their GE530. When the Beta testing was completed, the hospital decided to buy D-SPECT® instead, during the years they bought five additional D-SPECT® systems for their hospital chain. Further, when D-SPECT® was launched, Spectrum sold only 1 system in 2007. But it sold 11 systems in 2008 and 15 systems in 2009. When GE saw Spectrum's success, it became desperate to get access to Spectrum's technology.

20. It is estimated that since 2015 or 2016 D-SPECT® is the best-selling cardiac SPECT camera not only in the USA but also worldwide. Most of the leading healthcare organizations choose D-SPECT® as their cardiology SPECT platform, [redacted]

21. Today, [redacted] I believe that GE is selling fewer systems and at lower average sales price and profits. Siemens and Philips are still selling cardiology systems that employ the old Anger technology, but their sales numbers, average selling price, and profit margins are very low. In short, the cardiac dedicated SPECT systems market has fundamentally transitioned

from Anger detectors technology to CZT detectors technology and Spectrum is the leader of this market.

22. In 2011, based on its ongoing due diligence and realization of Spectrum's technological value, [redacted] This technology would become known as Spectrum's VERITON®. It was evident that GE saw an opportunity to buy Spectrum and acquire its technology for far less than it would have cost GE to develop the technology on its own. Indeed, GE claimed poverty and said it did not have a budget of its own to independently develop a device.

23. Ultimately, Spectrum declined GE's offer. Spectrum accepted an offer from Biosensors and closed the deal in May 2013.

24. Per the 2009 Agreement, all GE personnel or third-party participants who were involved in the due diligence were required to sign nondisclosure agreements. We expected that all GE personnel or third-party participants who were exposed to Spectrum Information would refrain from any use of this information except for the purpose of the contemplated transaction.

Discovery of the GE Imitation Device (StarGuide™)

25. In June 2018, one of our employees [redacted] It appeared that GE was decided to go down the same path that Spectrum took but using Spectrum technology,

and Spectrum's proprietary information. Spectrum was shocked and alarmed. GE could not have independently developed this technology without using Spectrum's confidential information and trade secrets.

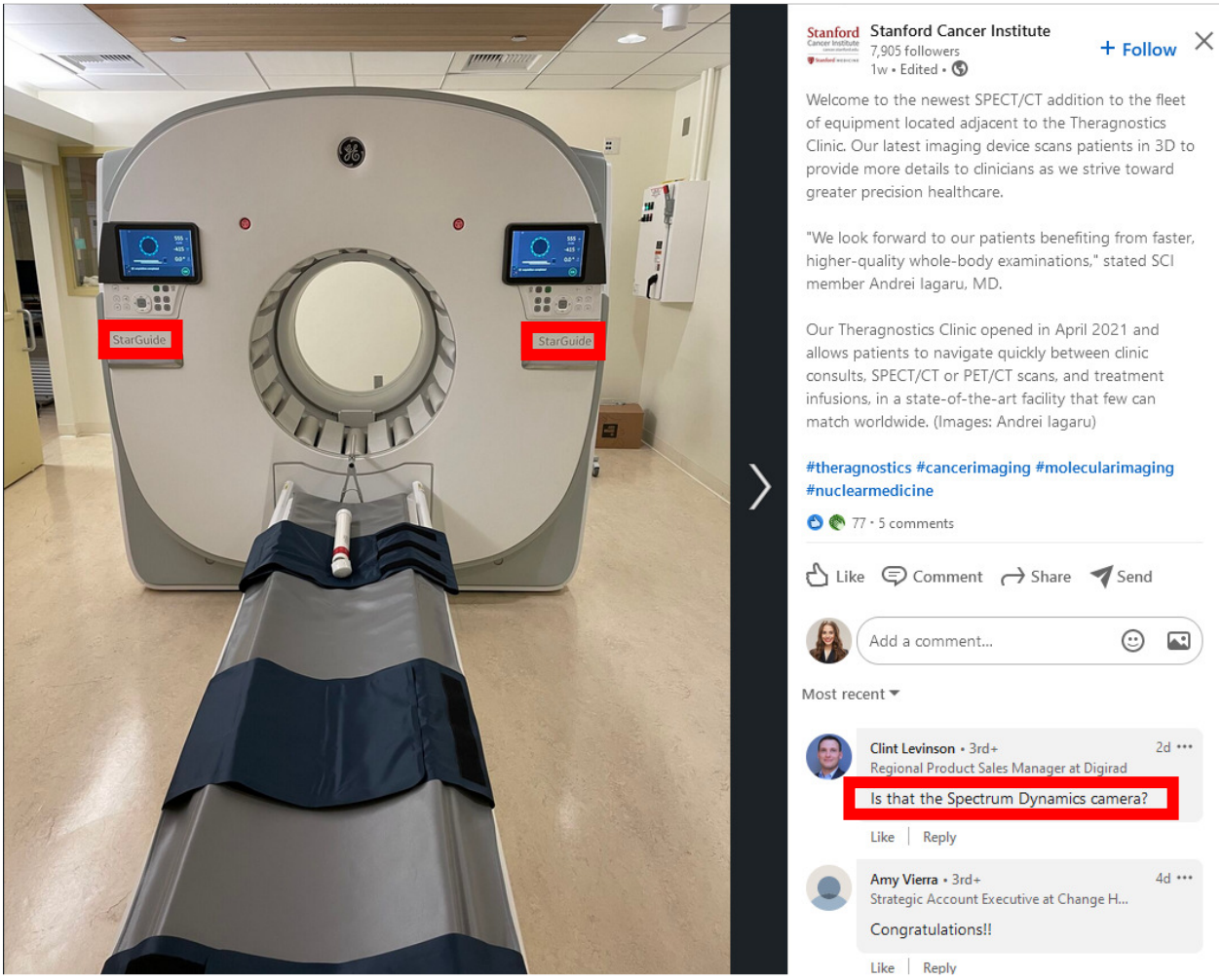
26. In late 2020 and early 2021, we have begun hearing rumors and receiving customers' input that GE is presenting an Imitation Device which they call StarGuide™ to various customers around the world. We were informed that GE is showing a system which is very similar to the VERITON®. [redacted] The FDA approved StarGuide™ on March 29, 2021. FDA 510(k) approval means that the product is substantially equivalent to an approved product (in this case, GE used the VERITON® system as the reference). [redacted]

27. In early 2021, the StarGuide™ was presented in a virtual conference called the High Country meeting held on March 6-7, 2021. In this meeting, Dr. Andrei Iagaru presented pictures of the system which was apparently installed in Orleans, France and presented images from scans performed by the system. From the images presented, it appeared that the scans were made by

substantially the same or a very similar system to the one [redacted] On March 24, 2021, GE launched StarGuide™ in a press release. In June 2021, the StarGuide™ was presented in the Society of Nuclear Medicine which is an important meeting that is held every year in the US and was held virtually this year. We were also informed that GE conducted a customer virtual meeting to present the system. From this information, it is clear to us that StarGuide™ is now directly competing head-to-head with the VERITON® system. The current market segment for VERITON® (and presumably StarGuide™) are research institutions, high throughput hospitals, and key opinion leaders who are early adopters of new nuclear medicine technology. The market segment will eventually spread to other clinics and hospitals after this initial early adoption phase. [redacted] I have been informed that GE has claimed to at least some of the customers that they have a much larger engineering team and that they will out-develop the VERITON®. In addition, [redacted] As an example of the confusion being caused between the VERITON® and the StarGuide™, below is a snapshot[1] of a LinkedIn post issued just a week ago from the Stanford Cancer Institute showing their newly purchased StarGuide™ equipment (likely the very first installation of the StarGuide™ in the United States). Among the LinkedIn comments is a question from the Regional Product Sales Manager of an unrelated Nuclear Medicine company asking, "Is

[1] Note that three red boxes have been added to the snapshot to highlight the comment and that the system is the StarGuide™ device.

that the Spectrum Dynamics camera?"—which such question is indeed referring to the VERITON®. https://www.linkedin.com/posts/stanford-cancer_theragnostics-cancerimaging-molecularimaging-activity-6831298871851831296-1Zli.



28. To the best of our knowledge, prior to 2008 discussions and the 2009-2012 due diligence period, GE did not consider and was not planning or projecting the technology of what would become the VERITON®. GE had other designs in mind that did not have twelve robotic arms that approached the patient, swivel detectors, or many of the other features of the VERITON®. GE would never have pivoted away from their previous plans and come to the solution they chose in the StarGuide™ (which GE claims is groundbreaking technology but is in fact a blatant copy of the VERITON®) if Spectrum had not disclosed this technology and persuaded GE that the

technology would indeed work—a fact they seriously doubted.

Damage to Spectrum

29. The SPECT imaging market is characterized by a concentration of a few large suppliers and very high barriers to entry. The systems are expensive to develop and capital intensive to build and service. Customers usually purchase their system every 7-10 years, and the replacement cycle is long. Penetrating this market is extremely challenging and requires significant technological or pricing advantage over existing suppliers such as Philips, GE, and Siemens who have a long history of selling to this market, a broad portfolio of imaging systems, offer other capital equipment in bundle offers, and in many cases have long-term supply agreements with customers.

30. [redacted] GE uses a combination of strategies to retain market share and prevent new companies from gaining market share, such as signing multi-year, multi-modality exclusivity agreements with customers, bundling several modalities in multi-modality deals, using scare tactics, and financially incentivizing key opinion leaders. Also, GE's size allows it to vertically integrate by buying its suppliers (such as the CZT plant they bought from Orbotech), thereby achieving significant cost advantages. Because of these factors, if StarGuide™ were to launch, [redacted]

31. Spectrum was able to penetrate the cardiology SPECT market only because it had a significant and enduring technological advantage over the other market participants with its ground-breaking and unique D-SPECT® system. Likewise, VERITON® represents a complete revolution of the SPECT systems design because of its breakthrough twelve robotic arms and swiveling detectors. This technology represents a paradigm shift from the old two large flat panels design that has dominated the market and enables a cost effective, efficient deployment of the CZT

detectors – [redacted] while the 870 CZT detectors employs 260.

32. Since GE launched the 670 CZT (later rebranded to 870 CZT) 5 years ago, we estimate that it has sold less than 100 systems worldwide. The system is a market failure, especially for a big company like GE that sells hundreds of SPECT systems every year. From its launch, GE has received customers' feedback that the system does not meet customers' expectations—despite using CZT detectors—because of the image quality, scanning time, and other features. After its launch it became clear to GE that the 670 CZT or 870 CZT were not the platform for the transition of the SPECT market to CZT detector technology. GE had to find an alternative design and unfortunately, they decided to choose the route of misappropriation and fraud by copying the VERITON®. StarGuide™ is targeting the same customers and will compete head-to-head with the VERITON®. It is aimed at the higher segment of the market which is willing to pay a premium. Customers for VERITON® (and StarGuide™) are university hospitals, research sites and high throughput sites that can benefit from the improved capabilities of this new technology. The VERITON® (and StarGuide™) are the technology platform for efficient and cost-effective implementation of the CZT detectors, for lowering radiation exposure to patients by injecting and imaging low doses with excellent image quality, for transitioning from planar 2D imaging to 3D dynamic imaging, from single isotope to dual or multi-isotope imaging and for enabling absolute quantification and other groundbreaking applications. Since StarGuide™ is a copy of VERITON®, it uses substantially the same technology which was stolen by GE. If not stopped now there is a real danger that StarGuide™ will eventually replace VERITON®.

33. We have been receiving multiple indications from customers around the world that GE has been discussing and offering StarGuide™ to customers, including key opinion leaders, to divert customers away from VERITON®. As discussed above, [redacted]

[redacted]

34. VERITON® and StarGuide™ systems are expected to last 7 to 12 years. Each sale of a StarGuide™ thereby ruins any opportunity for a VERITON® sale to that customer for several years, thus causing irreparable harm. [redacted] In addition, Spectrum will lose service revenue and other downstream revenue opportunities, such as software upgrades and new applications. These downstream sources represent a revenue opportunity [redacted] Further, like Spectrum, GE will also develop new clinical applications or software for StarGuide™, which development strongly depends on customer feedback and data. If StarGuide™ enters that market, GE will be able to use feedback to develop such applications or software which it otherwise would not have the opportunity to develop if it were not selling systems. Given GE's resources, it will be able to make any developments at a faster pace compared to Spectrum.

35. Additionally, customers (who can accommodate two or more cameras) that initially purchase a StarGuide™ will be reluctant to buy VERITON® as a second camera since customers tend to standardize their systems on one supplier platform. Also, when the time comes to replace StarGuide™, GE will be in a much better position to retain this customer, as the customer will already be experienced and familiar with the GE equipment. Note that downstream revenues are sometimes hard to predict. Spectrum has introduced new clinical applications and software

upgrades to D-SPECT® that it sells [redacted] However, it is hard to predict what applications or new software will be developed for VERITON® and thus, the harm to Spectrum is difficult to quantify.

36. If the injunction is not granted now, StarGuide™ customers will be able to publish their clinical experience, thereby enhancing GE's position and damaging VERITON® reputation and sales. Potential buyers look to published literature in making purchasing decisions.

37. VERITON® has developed a strong market position by offering distinct advantages and economically useful benefits relative to competing products. StarGuide™, as the only device offering similar benefits and the first competing device in this segment, would be expected to erode Spectrum's present market as a leader and advantage of being the pioneer and market leader in this segment. Additionally, StarGuide™ would be expected to erode the prices of VERITON®. As part of the selling process, customers commonly receive bids from manufacturers [redacted]

38. Spectrum has achieved a reputation as an innovator in the SPECT market. The successful launch of the D-SPECT® positioned Spectrum as the formidable force driving the transition of SPECT imaging from analog to digital detectors technology. VERITON® solidified Spectrum's position as the true innovator who is capable of not just launching systems with digital CZT detectors but also designing systems that will make the optimized use of these detectors to revolutionize and revive the SPECT market. Others, including GE's consultants, have recognized the innovation of VERITON®, such as a 2020 article: "*A true paradigm shift in SPECT/CT design*

was unveiled in 2017, when the first 360º ring-shaped gantry was introduced…" Additionally, "*a whole-body SPECT acquisition of 20 min offers significant improvements in sharpness and contrast and can replace current bone-scanning protocols.*" SDML_01063594 at 01063598 (Exhibit 9).

39. Spectrum has brand loyalty as evidenced by the fact that (1) we have replaced multiple cameras from other vendors with D-SPECT®, including multiple GE Anger cameras and more than ten GE530 users (no customer to our knowledge did the reverse); (2) most D-SPECT® users will replace their aging system with a new D-SPECT®; and (3) [redacted] Like with D-SPECT®, we expect such brand loyalty to extend to VERITON®. However, StarGuide™ can reasonably be expected to interfere with that brand loyalty.

40. If StarGuide™ were to launch, Spectrum would suffer irreparable harm through loss of the economic value of the goodwill and reputation associated with VERITON®. I understand from key opinion leaders, who are Spectrum's current customers, that Spectrum's reputation as a reliable supplier is being harmed by the release of StarGuide™, [redacted]

41. Market growth for VERITON® is [redacted] GE's interference at this unique time would result in irreparable harm.

42. If StarGuide™ were to launch, Spectrum would further suffer irreparable harm because [redacted]

[redacted]

43. After the due diligence period, it became obvious to GE that using the basic technology of D-SPECT® along with the additional breakthrough technology incorporated in what would become the VERITON®, Spectrum would be in a position to duplicate its success in the cardiac SPECT market into the multi-purpose SPECT market to compete with GE. GE was concerned that with the launch of VERITON®, Spectrum would be able to obtain a large portion of or even achieve number one player status in the multi-purpose SPECT market [redacted] If GE launches StarGuide™, Spectrum will stand to lose critical first-to-market momentum it now holds as a technology leader. Further, the overwhelming majority of customers naturally prefer to buy from a well-known, established supplier in the multi-purpose SPECT market, like GE, who also has much larger resources, long lasting relationships with customers, and a better cost structure.

44. Deprived of its technology advantage Spectrum [redacted]

45. GE on the other hand is large company with a big range of healthcare products, specifically imaging systems. GE will not be materially affected should it be enjoined. GE can continue and

sell its 870CZT to those customers who want to buy a CZT platform.

46. Recently, to meet anticipated market demand Spectrum renovated its manufacturing and R&D premises in Israel and more than doubled its production space. Production capacity can now be easily increased in a very short time. Also, Spectrum is in the process of outsourcing major parts of its integration processes. Additionally, Spectrum has strategic supply agreements with CZT and CT suppliers to ensure our access to these key components at acceptable prices.

Spectrum Has a Strong Urgent Need for a Preliminary Injunction

47. As explained above, Spectrum filed its complaint against GE as a result of events that happened many years ago. GE and Spectrum's relationship dates back twenty years. The due diligence period, that resulted in GE stealing Spectrum's confidential information and trade secrets, occurred from 2009 to 2012. In June 2018, Spectrum discovered the GE imitation system [redacted] Spectrum then filed its complaint against GE in December 2018.

48. Recent events have altered the current status of the danger to the VERITON®. In February 2021, Spectrum first became aware of a StarGuide™ system that was installed in Orleans France (possibly as a beta site). On March 29, 2021, the Starguide™ received FDA 510(k) approval. At that time, the StarGuide™ was introduced to European customers. Around mid-June 2021, the StarGuide™ was introduced virtually to United States customers at the Society of Nuclear Medicine tradeshow. [redacted] Notable the first *public information*

Spectrum had regarding a lost VERITON® sale[2] in the United States to the StarGuide™ is the LinkedIn post from the Stanford Cancer Institute showing their newly purchased StarGuide™ equipment (mentioned above in ¶ 27) that appears to be dated around the week of August 15, 2021. https://www.linkedin.com/posts/stanford-cancer_theragnostics-cancerimaging-molecularimaging-activity-6831298871851831296-1Zli.

49. We are asking for the preliminary injunction now given: (i) the launch of the StarGuide™ and associated lost VERITON® sales; (ii) the FDA 510(k) approval; (iii) the information learned from StarGuide™ marketing materials; (iv) our understanding that GE developed the StarGuide™ as a result of stealing Spectrum's confidential information and trade secrets as opposed to parallel development, which would be allowed under the 2009 Agreement (Exhibit 8 at SDML_00032514); and (v) GE's ultimate objective of taking a competitor (Spectrum) out of the market and monopolizing the SPECT imaging market. We now fully understand that GE deceived Spectrum from the start by: (i) performing due diligence for the supposed purpose of buying the company while copying and misappropriating Spectrum's technology; (ii) assuring Spectrum that it did not have a budget to develop technology like Spectrum's; (iii) sending Spectrum a letter in February 2013 positively confirming that GE will abide by the NDA they signed, only to turn around and use the information they received for the purpose of due diligence, to copy Spectrum's system; and (iv) assuring Spectrum that GE did nothing wrong in May 2018 in a meeting between Mr. Hermony and Yoel Zilberstien, only to discover a copy system (later to be named StarGuide™) one month later [redacted] Because it seemed GE stopped their launch plans from June 2018—when we first discovered the copy system [redacted]—until early 2021 (more than 2 years), this led us to believe that GE had finally come to their senses and

[2] We are unsure if this is an actual sale or a beta site system.

would not launch a product that was developed based on confidential information and trade secrets that were stolen from Spectrum. In addition, it was not clear to Spectrum the extent of the misappropriation that has occurred. It was only through StarGuide™ marketing materials and our understanding that GE developed the StarGuide™ as a result of stealing Spectrum's confidential information and trade secrets, as opposed to parallel development, that we could get a clearer picture of what the StarGuide™ system is and the details of the technology it uses. We now know that Spectrum's confidential information and trade secrets have been misused and GE is aiming to go after the VERITON® market.

50. [redacted]

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated August 26, 2021

Gilad Yoeli

DECLARATION OF GILAD YOELI

Index of Exhibits

Exhibit Number	Description
8	Amended and Restated Mutual Confidentiality and Non-Use Agreement dated September 16, 2009 between Spectrum Dynamics Limited and GE Healthcare, Inc. (SDML_00032512-17 (HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY)
9	Wyngaert et al., SPECT/CT: Standing on the Shoulders of Giants, It Is Time to Reach for the Sky!, *J. Nucl. Med.*, 61(9):1284-1291 dated September 30, 2020 (SDML_01063594-602).
47	Patton et al., Recent technologic advances in nuclear cardiology, *J. Nucl.Cardiol.,* 14(4): 501-13 (Jul. 2007) (SDML_00198743-55). (HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY)
102	Spectrum Dynamics – GE Proposal, December 2009 (SDML_00133333 – 00133342) (HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY)